

EXHIBIT 38

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - x

JAMES BENBOW,

Plaintiff,

-against- Civ. No.: 17-CV-6457 (EK) (LB)

CITY OF NEW YORK; POLICE OFFICER BRIAN W.
FEELEY; POLICE OFFICER MATTHEW J. ROSIELLO;
POLICE OFFICER KENNETH L. ANDERSON; SERGEANT
WILLIAM A. DAIB; POLICE OFFICER SHANIEL J.
MITCHELL; and POLICE OFFICER STEPHEN J. MINUCCI,

Defendants.

- - - - - x

VIDEOCONFERENCE VIA ZOOM
Conducted by:
LEX REPORTING SERVICE
160 Broadway
New York, New York

November 19, 2020
2:05 p.m.

DEPOSITION of DETECTIVE RUBEN CESPEDES,

a Non-Party Witness in the above-entitled
action, held remotely via Zoom videoconference,
pursuant to Order, taken before Tania C.
Pedrosa, a shorthand reporter and Notary Public
within and for the State of New York.

LEX#160688-B



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1 R. Cespedes 108

2 was taken.)

3 BY MR. ABOUSHI:

4 Q Detective Cespedes, the command
5 that you're in, is it called DCEI?

6 A No. The command -- that's what I
7 was in previously.

8 Q Okay. What does DCEI stand for?

9 A Deputy Commissioner of Equity and
10 Inclusion.

11 Q Okay. Would you be surprised to
12 learn that you have at least 12 CCRB
13 complaints filed against you throughout your
14 career?

15 MR. WEINER: Objection.

16 A I guess. I don't know.

17 MR. WEINER: Objection.

18 Q You can answer, please.

19 A I -- surprising? I mean, that's
20 what happens. Active police officers get
21 CCRBs.

22 Q Okay.

23 A How much of them are
24 substantiated?

25 MR. WEINER: That's a good

Search by Officer Name or Badge Number

Search

Ruben A. Cespedes

Badge #3460, Hispanic Male

Detective Grade 3 at Firearms Suppression Section

Also served in: 77th Precinct, Patrol Borough Brooklyn North

Service started July 2012, made \$150,000 last year, active

[LinkedIn](#)

[Brooklyn and Queens District Attorney 'Adverse Credibility' list](#) of officers with potential credibility problems includes 'Ruben Cespedes'.

Complaints

12 Allegations

0 Substantiated

8 Complaints

1 Alleged Victim Uncooperative

2 Complainant Uncooperative

5 Complaint Withdrawn

2 Exonerated

2 Unsubstantiated

March 2017 - Complaint Details

Allegation	CCRB Conclusion
Abuse Of Authority: Entry of Premises	Exonerated
Abuse Of Authority: Search of Premises	Exonerated

March 2017 - Complaint Details

Allegation	Complainant	CCRB Conclusion
Force: Vehicle	Black Male, 16	Complainant Uncooperative

September 2016 - Complaint Details

Allegation	Complainant	CCRB Conclusion
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Force: Gun pointed

Black Male, 25

Complaint Withdrawn

Abuse Of Authority: Threat of force (verbal or physical)

Black Male, 25

Complaint Withdrawn

June 2016 - Complaint Details**Allegation****Complainant****CCRB Conclusion**

Force: Physical force

Black Male, 18

Complainant
Uncooperative**June 2015 - Complaint Details****Allegation****Complainant****CCRB Conclusion**

Force: Physical force

Male, 24

Alleged Victim
Uncooperative**December 2014 - Complaint Details****Allegation****Complainant****CCRB Conclusion**

Abuse Of Authority: Stop

Black Male, 37

Unsubstantiated

September 2013 - Complaint Details**Allegation****CCRB Conclusion**

Abuse Of Authority: Threat of force (verbal or physical)

Complaint Withdrawn

Force: Physical force

Complaint Withdrawn

Offensive Language: Race

Complaint Withdrawn

June 2013 - Complaint Details**Allegation****Complainant****CCRB Conclusion**

Abuse Of Authority: Property damaged

Black Male, 41

Unsubstantiated

Conclusion Meanings:

'Exonerated': The alleged conduct occurred but did not violate the NYPD's own rules, which often give officers significant discretion.

'Unsubstantiated': The CCRB has fully investigated but could not affirmatively conclude both that the conduct occurred and that it broke the rules.

[Further details](#) on conclusion definitions.

